

adopted in Article IV prohibiting the use of submarines as commerce destroyers; that until this rule passed beyond the contractual state and became an accepted rule of international law, they are constrained to limit their enforcement of it to their contractual obligations as between themselves.

With reference to the phrase "punishment as if for an act of piracy," its meaning was stated to be that a violation of the laws of war therein specified should be punished as an act of piracy is punished. It was further stated that under this provision the offender would not be subject to the limitations of territorial jurisdiction, the peculiarity about the punishment for piracy being that, although the act is done on the high seas and not within the jurisdiction of any country, nevertheless it can be punished in any country where the offender is found.

In the United States, Congress is empowered by the Constitution "to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations." Many treaty stipulations dealing with matters entrusted to Congress under the Constitution have been held to be self-executing without legislative action, although it has sometimes been the practice in similar cases for Congress to enact appropriate legislation for carrying out treaty stipulations.<sup>1</sup>

The purpose of the treaty, so far as these provisions are concerned, is stated in the preamble to be "to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war." It is of interest to note that the provisions above quoted apply not merely to submarines but to surface ships of war as well when used as commerce destroyers, and as indicated by the preamble it is inspired by humane sentiments for the protection of lives rather than by the mere utilitarian purpose of protecting property, no mention of which is made in the treaty.

CHANDLER P. ANDERSON.

#### THE NOBEL PEACE PRIZE FOR 1921

The Nobel Peace Prize of approximately forty thousand dollars was intended to be awarded every year, and has been, with the exception of 1914, 1915, 1916 and 1918.

Usually the prize has been to one individual or has been divided between two candidates. On three occasions it was granted to institutions: in 1904, to the Institute of International Law, in 1910 to the Permanent International Peace Bureau of Berne, and in 1917 to the International Red Cross of Geneva.

In the year 1921 (on December 10th, to be accurate) the peace prize for 1921 was awarded, one half to Karl Hjalmar Branting, Prime Minister of Sweden, and one half to Christian Lous Lange of Norway, Secretary-General of the Interparliamentary Union. The award is made in Christiania by a committee of five members elected by the Norwegian Storting, "to the

<sup>1</sup>Extent and Limitation of the Treaty-Making Power, by Chandler P. Anderson, *American Journal of International Law*. July, 1907.

person who shall have done most or the best work in the interest of the brotherhood of peoples, of the abolition or reduction of standing armies, as well as of the formation and propagation of peace congresses."

Both of the recipients qualified under one if not more of the three subdivisions.

Mr. Branting was born at Stockholm on November 23, 1860. He is a journalist by profession and was for thirty years editor of the *Social Democrat* (1887-1917), until his appointment as Minister of Finance in October, 1917. In March, 1920, he became Prime Minister of Sweden, serving until December of that year. After the elections in the fall of 1921, which were favorable to the Socialists, he again became Prime Minister (October 11th), which post he still holds. In 1920 and in 1921, at the first and second sessions of the League of Nations held in Geneva, he was chairman of the Committee on Disarmament in the Assembly, and in March of last year he was appointed a member of the Commission on Disarmament appointed by the Council of the League, of which Mr. René Viviani of France was chairman.

Mr. Branting is in fact as well as in title the leader of the Social Democratic Party in Sweden, and has been very prominent in the international gatherings of Socialists. He is, of course, an advocate of the League of Nations, and during the Peace Conference in Paris he was a strenuous advocate of peace on the lines of President Wilson's "fourteen points." He has been a prolific writer as well as an agitator, some of his publications being *Socialism* (1892), *Military Riksdag vs. Folksriksdag* (1892), *Social Democracy's Century* (1896), *The Political Crisis* (1914), *Against the Personal Monarchies* (1914), *The Laboring Class and the World Situation* (1915), *The Waves Rise* (1917).

Mr. Lange was born at Stavanger, Norway, on September 17, 1869. He was Secretary of the Nobel Committee in the Storting from 1900 until 1909. He represented Norway at the Second Hague Peace Conference of 1907, distinguishing himself by his advocacy of arbitration. Since July 1, 1909, he has been Secretary-General of the Interparliamentary Union.

Mr. Lange is an apostle of peace. It is the serious mission of his life. He has brought his native and highly trained intelligence to its advancement, and he has brushed aside worldly honors. Among others, it may be mentioned that he refused no less a post than the Ministry of Foreign Affairs of his native country, as its acceptance would have interfered with his peace work.

He is an admirable linguist, speaking French and German as if they were his mother-tongue, and in his English there is no trace of the foreigner.

Mr. Lange has a very facile pen as well as a supple tongue. Among his many works one is a masterpiece. It is *The History of Internationalism* [*Histoire de l'Internationalisme*], the first volume of which, ending with the Peace of Westphalia of 1648, appeared in 1919. The second will continue the history from 1648 to 1815, and will, Mr. Lange assures us, appear shortly. The third and concluding volume will carry the narrative from 1815 to the present day.

This great work, written by Mr. Lange in French, is a tribute to French as the international language *par excellence*. It is a monument to the peace movement. It is a monument to the author.

In his last will and testament creating the five prizes, of which the peace prize is one, Mr. Alfred Nobel stated it to be his "express will that nationality shall not be taken into account in conferring the prizes, so that the prize may go to the most deserving, whether he be a Scandinavian or not." The Peace Prize for the year 1921 has been worthily bestowed, and to Scandinavians.

JAMES BROWN SCOTT.

#### PROPOSED AMENDMENTS TO THE COVENANT OF THE LEAGUE OF NATIONS

The Second Assembly of the League of Nations, on October 3-5, 1921, passed a number of resolutions amending the Covenant of the League.<sup>1</sup> The amendments deal with the election of non-permanent members of the Council of the League, the allocation of the expenses of the League, recognize judicial settlement as a means of settling international disputes and fit the Permanent Court of International Justice into the scheme of the League, modify the existing provisions concerning the use of force and economic pressure, and change the method of amending the Covenant.

The Council of the League consists of "representatives of the Principal Allied and Associated Powers, together with representatives of four other members of the League. These four members of the League," Article 4 provides, "shall be elected by the Assembly from time to time in its discretion."<sup>2</sup> The Assembly now proposes to insert the following paragraph between the second and third paragraphs of Article 4:

The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

The allocation of the expenses of the League is provided for in Article 6 of the Covenant, the last paragraph of which reads that "the expenses of the Secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union," and in the section of the peace treaties dealing with the International Labor Organization, under which all expenses of that organization "shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League," except

<sup>1</sup> *League of Nations Official Journal*, January, 1922, pages 6-34.

<sup>2</sup> The text of the Covenant of the League of Nations, which is referred to in this comment, may be found in the *Official Journal of the League of Nations*, No. 1, February, 1920, pages 3-12. It is printed in the Supplement to the *American Journal of International Law*, Vol. 15, 1921, pp. 4-13.